



MONTANA FISH AND WILDLIFE COMMISSION AGENDA ITEM COVER SHEET

THE **OUTSIDE** IS IN US ALL.

Meeting Date: November 18, 2020

Agenda Item: Rulemaking Petition to Limit Tepee Lake to Manually Operated Watercraft

Action Needed: Final

Time Needed on Agenda for this Presentation: 15 Min

Background:

On September 28, 2020, the Commission received a rulemaking petition to limit use on Tepee Lake to manually operated watercraft. The petition was submitted by Rachel Potter on behalf of co-petitioners Kurt Borge, Michael Borge, Marguerite Kaminski, and Charles Potter, all of whom are cabin owners on Tepee Lake. The Commission also received a letter in support of the petition by the Montana Loon Society. The petition states that the lake is 43-acre, shallow and fishless lake located in the North Fork of the Flathead. The petition acknowledges that there have been no current or past motorized use on the lake, but that unless a rule is made, it is inevitable that eventually a motorboat or jet ski will be put on the lake. The petition states that this would lead to loss of a rustic and quiet lake with loons and other wildlife, loss of a precious piece of North Fork heritage, loss of secure nesting habitat for the Common Loon, and loss of water quality, as the lake is shallow with no perennial surface inlet or outlet. The petition describes both the human history and natural history of the lake. The petition states that as more and more people are flooding to the North Fork, it's only a matter of time before a motorboat or jet ski is put on the lake. The petition advocates for a rule to be implemented before a conflict occurs.

Public Involvement Process & Results:

Public comment has not been collected on the petition. The Commission will take public comment at the meeting. If the Commission opts to initiate rulemaking, the public will have the opportunity to provide comments after the proposed rule language is published in the Montana Register pursuant to the administrative rulemaking procedures.

Alternatives & Analysis:

The Commission may initiate rulemaking on the petition. Should this occur, public comment will be collected during the rulemaking process.

The Commission may deny the petition. Should this occur, motorized use on Tepee Lake will remain as it currently is with no restrictions.

Agency Recommendation & Rationale:

The department recommends the commission initiate rulemaking on the petition in order to collect further public comment on the proposal.

Proposed Motion:

I move the Fish and Wildlife Commission initiate administrative rulemaking on the petition to limit Tepee Lake to manually operated watercraft.